



**AGENDA**  
**PLANNING COMMISSION**  
**October 19, 2020 at 7:00 PM**

Call to Order

Consideration of Minutes

1. MINUTES SEPTEMBER 21, 2020 PLANNING COMMISSION

Disclosures and Recusals

Old Business

New Business

2. Text Amendment: Sec. 3-190 Swimming pool requirements.

Adjournment

Standing Items

Adjournment

**PLANNING COMMISSION**

Demery Bishop  
 Ron Bossick  
 Charles Matlock  
 Elaine T. McGruder  
 David McNaughton  
 J. Whitley Reynolds  
 Alan Robertson



**CITY MANAGER**  
 Shawn Gillen

**COMMUNITY DEVELOPMENT DIRECTOR**  
 George Shaw

**CITY ATTORNEY**  
 Edward M. Hughes

**Planning Commission Meeting  
 MINUTES  
 September 21, 2020**

**Chair Bishop** called the September 21, 2020 Tybee Island Planning Commission meeting to order. Commissioners present were **Charles Matlock, Elaine T. McGruder, J. Whitley Reynolds, Vice Chair Ron Bossick** and **David McNaughton**. **Alan Robertson** was absent.

**Consideration of Minutes:**

**Chair Demery Bishop** asked for consideration of the August 17, 2020 minutes. **Commissioner J. Whitley Reynolds** made a motion to approve. **Commissioner Elaine T. McGruder** seconded. The vote to approve was unanimous.

**Disclosures/Recusals:**

**Chair Demery Bishop** asked if there were any Disclosures or Recusals. There were none.

**Old Business:**

**Sit Plan: requesting office and warehouse expansion – 201 McKenzie Ave. – 4002602011 - Zone C-2 – 201 McKenzie St. LLC.**

**George Shaw** stated this is a new site plan showing the buffer for this item. Nothing else was changed on the site plan. **Commissioner McNaughton** asked if the vegetation plants are required to run the full length of the property. **George Shaw** stated according to the City Attorney a buffer is not required at all because it is a public right of way. But it is a good gesture considering there is residential use next door. **Commissioner Bossick** asked if that was the entire right of way. **George Shaw** stated at one time this right of way Laurel Avenue was a sixty foot wide. The neighbor on the opposite side acquired thirty foot of it in the past. **Toby Thomas** approached the Planning Commission and stated he is representing his Mother Marie Heymans, who lives at 109 McKenzie Avenue the property on the other side of the Laurel Avenue right of way. He stated she is concerned this will have an effect on the value of her property in the future. He stated there are several lots attached to this large piece of property that is also attached to this right of way. He also asked if he could read a letter from the owner at 202 McKenzie Avenue across from 201 McKenzie Avenue whose name is Travis Williams. The letter states that Mr. Williams is concerned that there will be more tractor trailer traffic and he would like the City to add speed bumps. **Toby Thomas** also gave a copy of a map that shows nine separate lots to **George Shaw**. **George Shaw** stated this map does show nine lots and he would have to look into it to see if this was recorded as one big lot or nine lots. **Ashley Mosely** the representative and engineer for the applicant approached the Planning Commission and stated the applicant has not used the right of way but would like to use the right a way for their addition and parking and leave it open for the adjacent owners to use as well. **Commissioner Whitley Reynolds** made a motion to approve. **Commissioner Charles Matlock** seconded. The vote to approve was four yes and one no. Motion to approve carried.

**New Business:****Text Amendment: Sec. 3-190 Swimming pool requirements.**

**George Shaw** stated this text amendment was a recommendation from a City Council member. It is to require the initial fill and significant refills of the pool to be done with water from off the island and not the City's water system. This is to reduce water withdrawal from the City's water supply. He also stated the average pool size estimate in the packet was an estimate he came up with in general. **Commissioner Whitley** asked if portable water is readily available in this area. **George Shaw** stated he did look around the area and could not find one. **Commissioner McNaughton** asked how the City would enforce this amendment. **George Shaw** stated he is not sure right now. Maybe by requiring them to show a sales receipt. **Commissioner McGruder** made a motion to approve. There was no second, motion failed. **Commissioner Bossick** made a motion to continue and have these questions answered "Is there a source for getting water off island" "How to prove where they got the water" "What other jurisdictions have this procedure" answered and brought back to Planning Commission meeting October 19, 2020. **Commissioner McGruder** seconded. The vote to continue was unanimous.

**Text Amendment: ARTICLE 7. – Changes to Tree Removal regulations.**

**George Shaw** stated this is an amendment that came from a council member to stiffen the penalty for removal of a tree without a permit. **Commissioner McGruder** asked what the difference in cost for a two inch versus a four inch would be. **George Shaw** stated there is a significant difference and some may be difficult to find in this area. **Commissioner McGruder** made a motion to approve. **Commissioner Bossick** seconded. Vote to approve was four yes and one no. Motion to approve carried.

**Discussions:****Adjournment: 9:00pm***Lisa L. Schaaf*



# STAFF REPORT

PLANNING COMMISSION MEETING: October 19, 2020

CITY COUNCIL MEETING: November 12, 2020

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment to Article 3-190, Swimming pool requirements and placement.

PROPOSAL: To require that the initial fill and subsequent significant refills of a swimming pool be done with water from an off island source.

ANALYSIS: This amendment will reduce water withdrawal from the City's system. Staff could find no local source for this service.

### STAFF FINDING

This amendment will save approximately 5,000 to 10,000 gallons of water withdrawal from the City's system for each new pool built.

*This Staff Report was prepared by George Shaw.*

### ATTACHMENTS

- A. Amendment



**CITY OF TYBEE ISLAND  
LAND DEVELOPMENT CODE  
TEXT AMENDMENT APPLICATION**

Fee \$500

Applicant's Name CITY OF TYBEE ISLAND

Applicant's Telephone Number 912-472-5031

Applicant's Mailing Address P.O. Box 2749, TYBEE ISLAND, GA 31328

If within two (2) years immediately preceding the filing of the Applicant's application for a zoning action, the Applicant has made campaign contributions aggregating to more than \$250 to the Mayor and any member of Council or any member of the Planning Commission, the Applicant and the Attorney representing the Applicant must disclose the following:

- a. The name of the local government official to whom the campaign contribution or gift was made;
- b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action, and the date of each contribution;
- c. An enumeration and description of each gift having a value of \$250 or more made by the Applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action.

Disclosure of Campaign Contributions form attachment hereto:  Yes

 9-11-2020  
 Signature of Applicant Date

NOTE: Other specific data is required for each proposed Text Amendment.

City Official \_\_\_\_\_ Date \_\_\_\_\_

NOTE: This application must be accompanied by additional documentation, including drawings and/or text that include or illustrate the information outlined below.

Indicate in the spaces provided whether or not the required information is provided.

<u>YES or NO</u>	<u>REFERENCE</u>	<u>DESCRIPTION</u>
<u>Y</u>	5-020 (E)	An amendment to the text of this Land Development Code follows the same process as an amendment to the zoning map. However, a text amendment requires different materials to be included with the application.
<u>Y</u>	5-040 (E) (1)	In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
	5-110	Section 5-110, Standards for Land Development Code or Zoning Map Amendment Approval, identifies standards and other factors to be considered by the Mayor and Council in making any zoning decision. The Applicant should provide written data addressing each of the below listed standards and factors to assure consideration of applicable information.
<u>N</u>	5-110 (A)	The existing land use pattern;
<u>N</u>	5-110 (B)	The possible creation of an isolated district unrelated to adjacent and nearby districts;
<u>N</u>	5-110 (C)	The existing population density pattern and the possible increase or overtaxing of the load on public facilities;
<u>N</u>	5-110 (D)	Whether changed or changing conditions make the passage of the proposed amendment reasonable;
<u>N</u>	5-110 (E)	Whether the proposed change will adversely influence existing conditions in the neighborhood or the city at large;
<u>N</u>	5-110 (F)	Potential impact on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity;
<u>N</u>	5-110 (G)	The reasonableness of the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities when considering the proposed changes;
<u>N</u>	5-110 (H)	Whether the proposed change will be detrimental to the value or improvement or development of adjacent or nearby property in accordance with existing requirements;
<u>N</u>	5-110 (I)	Whether the proposed change is out of scale with the needs of the neighborhood or entire city;
<u>N</u>	5-110 (J)	Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public; and,
<u>N</u>	5-110 (K)	The extent to which the zoning decision is consistent with the current city master plan or other local planning efforts, if any, of the city.

The Applicant certifies that he/she has read the requirements for Land Development Code Text Amendments and has provided the required information to the best of his/her ability in a truthful and honest manner.

  
Signature of Applicant

9-16-2020  
Date



CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS  
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you within the past two (2) years made campaign contributions or gave gifts having an aggregate value of \$250.00 or more to a member of the City of Tybee Island Planning Commission, or Mayor and Council or any local government official who will be considering the rezoning application?

YES \_\_\_\_\_ NO X \_\_\_\_\_

IF YES, PLEASE COMPLETE THE FOLLOWING SECTION:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS OF \$250.00 OR MORE	GIFTS OF \$250.00 OR MORE	DATE OF CONTRIBUTION

IF YOU WISH TO SPEAK CONCERNING THE ATTACHED REZONING APPLICATION, THIS FORM MUST BE FILED WITH THE ZONING ADMINISTRATOR FIVE (5) DAYS PRIOR TO PLANNING COMMISSION MEETING IF CAMPAIGN CONTRIBUTIONS OR GIFTS IN EXCESS OF \$250.00 HAVE BEEN MADE TO ANY MEMBER OF THE PLANNING COMMISSION OR MAYOR AND COUNCIL.

Signature George B. Skau

Printed Name George B. Skau

Date 9-11-2020

## ORDINANCE NO. 2020 \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES SECTION 3-190 SWIMMING POOL REQUIREMENTS AND PLACEMENT SO AS TO IMPOSE A REQUIREMENT THAT WATER TO BE APPLIED TO A NEWLY CONSTRUCTED POOL OR A POOL THAT RECEIVES MAJOR RENOVATIONS CONSISTING OF MORE THAN TWENTY-FIVE PERCENT OF THE POOL BASED ON THE VOLUME OF WATER SHALL BE FILLED FROM OR BY AN OUTSIDE WATER SOURCE RATHER THAN THE CITY'S MUNICIPAL WATER SYSTEM

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, the City of Tybee Island has approached and does approach its withdrawal capacity from the Floridan Aquifer; and

WHEREAS, the City has been expecting to have a deep well constructed on the island however, due to a failure of the structure during construction the well has not been built; and


WHEREAS, in order to protect the resources of the City and to continue to establish or promote principles of conservation, the Mayor and Council have determined that the Code of Ordinances of the City of Tybee Island should be amended so as to address the use of water in connection with privately constructed swimming pools.

NOW, THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island as follows:



**SECTION I**

Section 3-190 shall be amended to add a new subsection "(H) water restriction" which shall read as follows:

 **(H) Water Restriction**

For the initial filling of a newly constructed swimming pool, the water to fill the pool shall be from an outside source and not from the City's municipal water system. Further; when due to repair, malfunction or renovation of a pool, whether now existing or hereafter constructed, the addition of twenty-five percent or more of the ordinary capacity of the swimming pool requires refilling, such refilling, "capping" or topping off shall be accomplished by water from an independent water source other than the City's municipal water system.

**SECTION 2**

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

**SECTION 3**

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

**SECTION 4**

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

This Ordinance shall become effective on \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

-

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

ENACTED: \_\_\_\_\_



**PLANNING COMMISSION  
NOTICE OF DETERMINATION**

Meeting date: September 21, 2020

Project Name/Description: Text Amendment

Action Requested: Sec. 3-190 Swimming pool requirements.

Special Review	Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Site Plan Approval	
Variance	
Map Amendment	
Text Amendment X	

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition:  Approval  Denial  Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Bishop			Chair
Bossick	X		Vice Chair - Motion
Matlock	X		
McGruder	X		Second
McNaughton	X		
Reynolds	X		
Robertson			Absent

Planning Commission Chair: 

Date: 7/28/2020

Planning & Zoning Manager: 

Date: 9-23-2020

# Pool Water Delivery & Bulk Water Delivery Companies Located in: GA

Below are the bulk water hauling and pool water delivery companies for the state you selected.

Georgia Bulk/Pool Water Hauling Companies [Company Not Listed, Add Your Listing](#)

Number of Bulk/Pool Water Hauling Companies Found: 5

## **Dive In Inc.**

Atlanta, GA

Phone: [404-254-1616](tel:404-254-1616)

## **Roberts Pool Works**

ForestPark, GA

Phone: [404-906-9552](tel:404-906-9552)

## **Tony's Water Service**

Homer, GA

Phone: [706-677-2463?](tel:706-677-2463)

## **Abu Water Service**

Lagrange, GA

Phone: [706-882-5835](tel:706-882-5835)

## **Amicalola Services Llc**

Tate, GA

Phone: [770-894-3182](tel:770-894-3182)